

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

THE VIDEOTAPED DEPOSITION OF
SHERI HERRON, produced as a witness on behalf of
the Plaintiff in the above styled and numbered
cause, taken on the 15th day of September, 2008, in
the City of Fayetteville, County of Washington,
State of Arkansas, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

1 Q Miss Herron, let me hand you this document
2 that earlier on today in this deposition you
3 indicated that in preparing for your deposition, you
4 looked at a particular document and this is one of
5 them, and this is what I think you represented as 03:50PM
6 your response to the OCC inquiries about some
7 accounting records. Is that a fair statement?

8 A Yes.

9 Q Tell me what the document is if you disagree
10 then. 03:51PM

11 A No, that's correct.

12 Q Okay, but this is what you would have looked
13 at to help prepare for this deposition; true?

14 A Yes.

15 Q All right, and we marked it Exhibit 30, and 03:51PM
16 this particular document is something that you would
17 have prepared; is that my understanding?

18 A I took the document that they sent with
19 questions and then I added my comments and filled in
20 the blanks to -- on their document. 03:51PM

21 Q I notice it's color coded. Is there a
22 particular key, if you would, for the color coding
23 and how you --

24 A Yes. I'd have to look at it because Oklahoma
25 color coded it first and so I just tried to follow 03:51PM

1 their color coding. I think they did everything for
2 Arkansas in blue and Oklahoma in red.

3 Q What are the yellow lines significant of?

4 A Those were items that they had questions on
5 that -- they highlighted the ones they questioned.

03:52PM

6 Q All right, and so your responses would be
7 towards those that are highlighted in yellow across
8 the row?

9 A Correct.

10 Q All right. Let me now hand you Exhibit No. 9
11 briefly. I'll walk through these. This appears to
12 deal with the Oklahoma task or project that we
13 identified earlier as 02-006. Did you prepare the
14 semi-annual report that's shown on Page 1 into Page
15 2 of this document?

03:52PM

03:52PM

16 A Only in filling the status.

17 Q So where it shows the status column, the
18 comments there whether complete or pending or some
19 other designation would be your work?

20 A Not for all of them. I don't believe ours
21 is -- for our tasks, for BMPs tasks, 3.3 -- I think
22 task 3.1 and 3.3 and 3.4 and the output 3 -- we also
23 I believe reported on task 4.1 and the output for
24 task 4, and this is the other that I was going to
25 mention earlier.

03:53PM

03:54PM

1 **A** Uh-huh.

2 **Q** -- is that would be Illinois hauling?

3 **A** The first invoice that was revised.

4 **Q** Okay. So it got revised; is that what the R
5 stands for?

05:53PM

6 **A** Yes.

7 **Q** What do you know to be the status of the EPA
8 investigation or audit into the reports of BMPs,
9 Inc.?

10 **A** I don't know.

05:53PM

11 **Q** When were you last informed of what was
12 occurring?

13 **A** I've never been informed of what was
14 occurring.

15 **Q** Okay. Have you had any contact from EPA about
16 their investigation?

05:53PM

17 **A** No.

18 **Q** Have you been requested to provide data or
19 documents or information?

20 **A** No.

05:53PM

21 **Q** Do you continue to retain all of the documents
22 relating to the BMP hauling grants as of this date?

23 **A** Yes.

24 **Q** Let me hand you Exhibit 25. These appear to
25 be either more of the same or a duplication of what

05:54PM